

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 2:22-cr-47
)	
PATRICK TATE ADAMIAK,)	
)	
Defendant.)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS

The defendant is asking that this Court dismiss Counts 10 and 11 of the pending indictment as multiplicitous, or in the alternative to elect prior to trial to proceed with one of the two counts and dismiss the other count. In particular the defendant argues the same elements required to prove Count 11 are the same elements of proof in Count 10 with one additional element of proof in Count 10 that the machine guns possessed were not registered to the defendant in the National Firearms Registration and Transfer Record. This would be a violation of the Double Jeopardy clause because the defendant would in essence be facing the same charge twice in one indictment. The defendant references *United States v. Kuzma*, 967 F.3d 959 (9th Cir. 2020) whose holding agrees with defendant’s argument.

The United States agrees that the defendant is making a valid point and therefore, prior to trial, the United States will move to dismiss Count 10 of the pending indictment and will elect to proceed on Count 11. In the alternative, the United States has offered the defendant a plea agreement which does not require a guilty plea to either Counts 10 or 11. Therefore, if the defendant accepts the plea offer, then both Counts 10 and 11 will be dismissed at the time of sentencing.

Respectfully submitted,

By: /s/
William D. Muhr
Assistant United States Attorney
Victoria Liu
Special Assistant United States Attorney
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Office Number: (757) 441-6331
Facsimile Number: (757) 441-6689
Email Address: bill.muhr@usdoj.gov

Certificate of Service

By: _____ /s/

William D. Muhr
Assistant United States Attorney
United States Attorney's Office
101 W. Main Street
Norfolk, VA 23510
Office: (757) 441-6338
Fax: (757) 441-6689
Email: bill.muhr@usdoj.gov